

**REMARKS**

Claims 1-15, 23, 29-34, and 36-38 are pending in this application. Claims 16-22, 24-28, and 35 have been cancelled.

All pending claims stand rejected.

In the following, the Examiner's comments are included in bold, indented type, followed by the Applicant's remarks:

6. **Claims 1-8, 14-15, 18, 20-21, 24, 27, and 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leet (6,000,828) in view of Vonk et al. (US 2002/0072933 A1).**

(A) **Claim 1 has been amended to now recite a "fifth means for processing data through which the patient may retrieve via the Internet data regarding the patient, the diagnosis regarding the patient, and the treatment plan for the patient from the first means for processing data."**

Leet does not disclose a fifth means for processing data through which the patient may retrieve the Internet data regarding the patient, the diagnosis regarding the patient, and the treatment plan for the patient from the first means for processing data.

Vonk discloses means for processing data through which the patient may retrieve via the Internet data regarding the patient, the diagnosis regarding the patient, and the treatment plan for the patient (para. 30 of Vonk).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Vonk within Leet. The motivation for doing so would have been to enable the patients to add and retrieve information via their workstation (para. 30 of Vonk).

**The remainder of claim 1 is rejected for the same reasons given in the prior Office Action, and incorporated herein.**

Claim 1 has been amended by deleting the fourth means and the fifth means and by deleting phrases from the computer processor means and the data storage means. Claim 1 has also been amended by adding the limitation that the first means for processing data is for comparing the data against known patient information and against known medical information. Support for this amendment is found in the application as originally filed in the description of Figs. 2, 3, and 5.

Neither Leet nor Vonk teach or suggest comparing data against known patient information and against known medical information, as required by amended claim 1. Accordingly, claim 1 is patentable over the Examiner's combination of Leet and Vonk. Withdrawal of this rejection is respectfully requested.

**(B) The amendments to claims 4 and 14 were apparently made to overcome 112, 2nd paragraph issues set forth in the prior Office Action. However, these changes do not affect the scope and breadth of the claims as originally presented and/or in the manner in which the claims were interpreted by the Examiner when applying the prior art within the previous Office Action. As such, these claims are rejected under the same rationale given in the prior Office Action, and incorporated herein.**

Claims 4 and 14 depend from claim 1 and are patentable for at least the same reasons. Applicant respectfully requests that these rejections be withdrawn.

**(C) Claim 33 has been amended to now recite "storing the patient data, diagnosis, and treatment plan on the data storage media; allowing the patient to access via the Internet the patient data, diagnosis, and treatment plan on the data storage media."**

Leet discloses storing data on the data storage media (Fig. 1, col. 5, lines 30-47, col. 4, lines 22-42, and col. 3, lines 26-40 of Leet).

Leet does not disclose allowing the patient to access via the Internet the patient data, diagnosis, and treatment plan on the data storage media.

Vonk discloses allowing the patient to access via the Internet the patient data, diagnosis, and treatment plan (para. 30 of Vonk).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Vonk within Leet. The motivation for doing so would have been to enable the patients to add and retrieve information via their workstation (para. 30 of Vonk).

The remainder of claim 33 is rejected for the same reasons given in the prior Office Action, and incorporated herein.

Claim 33 has been amended to delete the storing, allowing, and consulting steps, to delete details regarding the plan from the preamble, and to make clarifying amendments. Claim 33 also has been amended to require comparing the patient data, the diagnosis and the treatment plan against known patient data and against a medical database. Support for this amendment is found in the application as originally filed in the description of Figs. 2, 3, and 5 and in the descriptions of the databases disclosed in the specification (see e.g., the suggested

diagnosis database 604, the standard diagnosis criteria database 704, the drug interaction database 806, etc.) and claims (see e.g. claim 2).

Neither Leet nor Vonk teach or suggest comparing patient data, the diagnosis and the treatment plan against known patient data and against a medical database, as required by amended claim 33. Accordingly, claim 33 is patentable over the Examiner's combination of Leet and Vonk. Withdrawal of this rejection is respectfully requested.

**(D) Claims 2-3, 5-8, 15, 18, 20-21, 24, 27, 29-32, and 34-37 have not been amended and are rejected for the same reasons given in the previous Office Action, and incorporated herein.**

Claims 18, 20-21, 24, 27 and 35 have been cancelled. Claims 2-3, 5-8, 15, and 29-32 depend from claim 1 and are patentable for at least the same reasons described above and in the response to the previous Office Action for claim 1. Claims 34, 36 and 37 depend from claim 33 and are patentable over the Examiner's combination of Leet and Vonk for at least the same reasons described above and in the response to the previous Office Action for claim 33. Withdrawal of these rejections is respectfully requested.

**7. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leet (6,000,828) in view of Vonk et al. (US 2002/0072933 A1) as applied to claim 1, and further in view of Portwood et al. (5,950,630).**

**(A) The amendment to claim 9 was apparently made to overcome 112, 2nd paragraph issues set forth in the prior Office Action. However, these changes do not affect the scope and breadth of the claim as originally presented and/or in the manner in which the claim was interpreted by the Examiner when applying prior art within the previous Office Action. As such, this claim is rejected under the same rationale given in the prior Office Action, and incorporated herein.**

**(B) Claim 10 has not been amended [sic, and] is rejected for the same reasons given in the previous Office Action, and incorporated herein.**

None of Leet, Vonk, or Portwood teach or suggest comparing data against known patient information and against known medical information, as required by amended claim 1. Accordingly, claim 1 is patentable over the Examiner's combination of Leet, Vonk and Portwood.

Claims 9 and 10 depend from claim 1. Accordingly, claims 9 and 10 are

patentable over the Examiner's combination of Leet, Vonk, and Portwood for at least the same reasons as described above and in the response to the previous Office Action for claim 1. Withdrawal of these rejections is respectfully requested.

**8. Claims 11-13, 22, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leet (6,000,828) in view of Vonk et al. (US 2002/0072933 A1) as applied to claims 1, 18, 21, 33-34, and 37, and further in view of Evans (5,924,074).**

(A) The amendment to claim 11 was apparently made to overcome 112, 2nd paragraph issues set forth in the prior Office Action. However, these changes do not affect the scope and breadth of the claim as originally presented and/or in the manner in which the claim was interpreted by the Examiner when applying prior art within the previous Office Action. As such, this claim is rejected under the same rationale given in the prior Office Action, and incorporated herein.

(B) Claims 12, 13, 22, and 38 have not been amended and are rejected for the same reasons given in the previous Office Action, and incorporated herein.

None of Leet, Vonk, or Evans teach or suggest comparing data against known patient information and against known medical information, as required by amended claim 1. Accordingly, claim 1 is patentable over the Examiner's combination of Leet, Vonk and Evans.

Claim 22 has been cancelled. Claims 11, 12, and 13 depend from claim 1 and are patentable over the Examiner's combination of Leet, Vonk and Evans for at least the same reasons described above and in the response to the previous Office Action for claim 1. Withdrawal of these rejections is respectfully requested.

Neither Leet, Vonk or Evans teach or suggest comparing patient data, the diagnosis and the treatment plan against known patient data and against a medical database, as required by amended claim 33. Accordingly, claim 33 is patentable over the Examiner's combination of Leet, Vonk, and Evans.

Claim 38 depends from claim 33 and is patentable over the Examiner's combination of Leet, Vonk, and Evans for at least the same reasons described above and in the response to the previous Office Action for claim 33. Withdrawal of this rejection is respectfully requested.

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leet (6,000,828) in view of Vonk et al. (US 2002/0072933 A1) as applied to claims 1 and 18 and further in view of Barry et al. (6,081,786).

(A) Claim 23 has not been amended and is rejected for the same reasons given in the previous Office Action, and incorporated herein.

None of Leet, Vonk, or Barry teach or suggest comparing data against known patient information and against known medical information, as required by amended claim 1. Accordingly, claim 1 is patentable over the Examiner's combination of Leet, Vonk and Barry.

Claim 23 depends from claim 1. Accordingly, claim 23 is patentable over the Examiner's combination of Leet, Vonk, and Barry for at least the same reasons as described above and in the response to the previous Office Action for claim 1. Withdrawal of this rejection is respectfully requested.

10. Claims 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leet (6,000,828) in view of Vonk et al. (US 2002/0072933 A1) as applied to claims 1, 18, 24 and 27, and further in view of Hohnloser (US 2003/0065241 A1).

(A) Claims 19 and 28 have not been amended and are rejected for the same reasons given in the previous Office Action, and incorporated herein.

Claims 19 and 28 have been cancelled.

11. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leet (6,000,828) in view of Vonk et al. (US 2002/0072933 A1) as applied to claims 1, 18, and 24 and further in view of Brown (US 6,440,068 B1).

(A) Claims 25-26 have not been amended and are rejected for the same reasons given in the previous Office Action, and incorporated herein.

Claims 25 and 26 have been cancelled.

**SUMMARY**

Applicant contends that the claims are in condition for allowance, which action is requested. Should any fees be required, Applicant requests that the fees be debited from deposit account number 02-0383, Order Number 069089.0102.

Respectfully submitted,



Howard L. Speight  
Reg. No. 37,733  
Baker Botts L.L.P.  
910 Louisiana  
Houston, Texas 77002  
Telephone: (713) 229-2057  
Facsimile: (713) 229-2757  
E-Mail: Howard.Speight@bakerbotts.com  
ATTORNEY FOR APPLICANT

Date: February 28, 2006